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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 VC SELLERS RESERVE LLC,

10 Plaintiff,

11 v.

12 CH2M HILL COMPANIES, LTD.,

13 Defendant.

Case No. C09-0236RSL

ORDER TO SHOW CAUSE

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15 This matter comes before the Court *sua sponte*. On February 23, 2009, plaintiff  
16 filed its complaint with this Court alleging that the Court has jurisdiction based on the  
17 diversity of citizenship of the parties. See 28 U.S.C. § 1332(a) (establishing that the  
18 federal court’s basic diversity jurisdiction extends to “all civil actions where the matter in  
19 controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States.”).  
20 “For a case to qualify for federal jurisdiction under 28 U.S.C. § 1332(a), there must be  
21 complete diversity of citizenship between the parties opposed in interest.” Kuntz v.  
22 Lamar Corp., 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted). In  
23 examining whether complete diversity is present, the citizenship of a limited liability  
24 company is determined by examining the citizenship of the owners/members. See  
25 Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (holding

1 that “like a partnership, an LLC is a citizen of every state of which its owners/members  
2 are citizens.”).

3 In its complaint, however, plaintiff failed to allege the citizenship of each  
4 owner/member of plaintiff’s LLC. Therefore, plaintiff has failed to meet its burden to  
5 establish the basis of the Court’s jurisdiction. See Indus. Tectonics, Inc. v. Aero Alloy,  
6 912 F.2d 1090, 1092 (9th Cir. 1990) (“The party asserting jurisdiction has the burden of  
7 proving all jurisdictional facts”); Fed R. Civ. P. 12(h)(3) (“If the Court determines at any  
8 time that it lacks subject-matter jurisdiction, the court must dismiss the action”). As a  
9 result, plaintiff is ORDERED TO SHOW CAUSE why the Court should not dismiss this  
10 action for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(h)(3) by providing  
11 the Court with the citizenship of all of the owners/members of VC Sellers Reserve LLC,  
12 at the time the complaint was filed, by March 19, 2009. The Clerk of the Court is  
13 directed to place this order to show cause on the Court’s calendar for March 20, 2009.

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15 DATED this 4th day of March, 2009.

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18 Robert S. Lasnik  
19 United States District Judge  
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